

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MERCHANTS INSURANCE GROUP and  
MERCHANTS INSURANCE GROUP a/s/o  
DANIEL HESS and DEEJAY CARPET  
CO., INC.,

Plaintiffs,

-against-

-----X  
MITSUBISHI MOTOR CREDIT  
ASSOCIATION and MITSUBISHI MOTOR  
CREDIT OF AMERICA, INC.,

Defendants.

JUDGMENT  
03-CV- 6017 (DGT)

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ JUL 13, 2005 ★

P.M. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_

A Memorandum and Order of Honorable David G. Trager, United States District Judge, having been filed on July 11, 2005, denying plaintiffs' motion that defendant must pay their portion of the jury verdict upon entry of judgment in the primary action; granting defendants' motion for summary judgment arguing that the action is not ripe and, therefore, non-justiciable at this time; and dismissing the case without prejudice to re-open if and when a judgment is entered in the State Court case and plaintiff makes a payment on that judgment; it is

ORDERED and ADJUDGED that plaintiffs take nothing of the defendants; that plaintiffs' motion that defendant must pay their portion of the jury verdict upon entry of judgment in the primary action is denied; that defendants' motion for summary judgment is granted; and that the case is dismissed without prejudice to re-open if and when a judgment is entered in the State Court case and plaintiff makes a payment on that judgment.

Dated: Brooklyn, New York  
July 12, 2005

s/Robert C. Heinemann  
ROBERT C. HEINEMANN  
Clerk of Court